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Case Docket No. GNE.3030R1C3

Date: June 27, 2002

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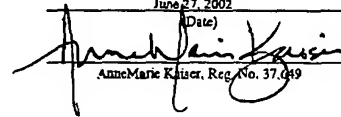
Applicant : Desnoyers et al.
Appl. No. : 10/036,160
Filed : December 26, 2001
For : SECRETED AND
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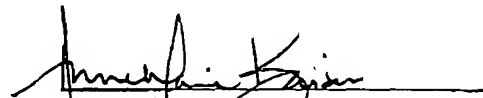
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Enclosed for filing in the above-identified application is:

- (X) Request for Reconsideration and Withdrawal of Notice Requesting Property Rights Statement.
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AnneMarie Kaiser
Registration No. 37,649
Attorney of Record

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PATENT

Applicant : Desnoyers et al.)
 Appl. No. : 10/036,160)
 Filed : December 26, 2001)
 For : SECRETED AND)
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Dear Sir:

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Applicants received a Notice mailed April 26, 2002, requesting a Department of Energy property rights statement under 42 U.S.C. § 2182. A copy of the Notice is attached.

The subject matter in the above-referenced application is not "useful in the production or utilization of special nuclear material or atomic energy." Instead, the subject matter of the above-referenced application relates to the identification and isolation of novel nucleic acids and to the recombinant production of novel polypeptides.

The subject matter in the above-referenced invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

App1. No. : 10/036,160
Filed : December 26, 2001

In addition, the invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

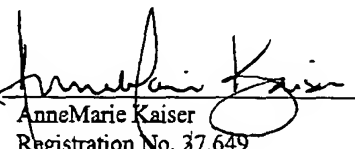
The inventors conceived this invention while employed by Genentech, Inc. The invention was made during working hours and with the use of facilities, equipment, materials, funds, information, and services of Genentech, Inc. The entire right, title, and interest in said invention is assigned to Genentech, Inc.

Applicants therefore request that the Notice and requirement for a property rights statement be reconsidered and withdrawn and that the application be passed to Group Art Unit 1646 for examination.

The undersigned attorney declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 27, 2002

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